

Appl. No. : 09/988,850  
Filed : November 19, 2001

### REMARKS

Claims 7 and 20 have been amended by this paper and Claims 8-19 and 21-28 remain unchanged by this amendment. Claims 1-6 were previously withdrawn. Hence, by this paper, Claims 7-28 are presented for further examination.

The specific changes to the specification and the amended claims are shown in the above section entitled IN THE CLAIMS. On this set of pages, the insertions are underlined while the ~~deletions are stricken through~~.

Applicant expresses appreciation to the Examiner and his supervisor, Ms. Mary Coperley, for the time spent on May 3, 2005 with counsel for Applicant in a personal interview directed to the above-identified application. A summary of the Substance of that Interview is submitted herewith.

In the Office Action mailed February 8, 2005, Claims 7-10 and 16-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Virtanen (U.S. Patent No. 6,030,581) in view of Burd (U.S. Patent No. 5,518,930). In addition, Claims 14-15, 27 and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Virtanen in view of Burd, as applied to Claims 7 and 20 and further in view of Chow (U.S. Patent No. 6,167,910). Further, Claims 20-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Coleman (U.S. Patent No. 3,799,742), in view of Virtanen.

As was discussed in the interview, Applicant notes that the claims as presented include several features which clearly define patentable subject matter over the art of record. For example, none of the art of record teaches an optical-bio disc as claimed, including mixing chambers that each include an inlet port configured to communicate material into the mixing chamber from a source other than the separation chamber. Features such as this, in combination with the other features of Claims 7 and 20, define a structure for performing a blood-typing assay, which structure is neither taught nor suggested by the prior art of record.

In view of the above, Applicant respectfully submits that Claims 7 and 20 define subject matter which is patentable over the art of record. Furthermore, since Claims 8-10, 16-19 and 21-23 each depend from one of independent Claims 7 and 20, Applicant respectfully submits that these dependent claims also define subject matter which is patentable over the art of record for at least the reasons set forth above with respect to Claims 7 and 20. Accordingly, Applicant

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respectfully submits that Claims 7-10 and 16-23 are now in condition for immediate allowance and such prompt allowance of the same is respectfully requested.

#### CONCLUSION

The Applicant has endeavored to address all of the concerns of the Examiner in view of the recent Office Action directed to the above-identified application. Accordingly, amendments to the claims, the reasons therefor and arguments in support of the patentability of the pending claims are presented above.

Any claim amendments which are not specifically discussed in the above remarks are not made for patentability purposes, and it is believed that the claims would satisfy the statutory requirements for patentability without the entry of such amendments. Rather, these amendments have only been made to increase claim readability, to improve grammar, and to reduce the time and effort required of those in the art to clearly understand the scope of the claim language. Any new claims presented above are of course intended to avoid the prior art, but are not intended as replacements or substitutes for any cancelled claims. They are simply additional specific statements of inventive concepts described in the application as originally filed.

In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested. If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully requested to initiate the same with the undersigned.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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